

Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

March 7, 2013

Diane Morgan, Owner
Joan Lukkonen, Owner
Medical Career College of Northern California
7475 Kanai Avenue
Citrus Heights, CA 95621

| Date of Issuance | Citation: Modified | Institution Code |
|------------------|--------------------|------------------|
| 03/07/13 | # 1213011 | 41462639 |

On February 21, 2013, an informal telephone conference was held in the matter of Citation: Assessment of Fine (Citation) #1213011 against Diane Morgan and Joan Lukkonen, owners of Medical Career College of Northern California (Institution). In attendance were Laura Metune, Bureau Chief; and Diane Morgan and Joan Lukkonen, owners of the Institution.

Pursuant to Business and Professions Code, Section 125.9; California Education Code, Section 94936; and California Code of Regulations, Section 75020, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of Citation #1213011.

It is the decision of the Bureau Chief that on March 6, 2013, Citation #1213011 is modified and makes following changes:

VIOLATION CODE SECTIONS

| # | Below you will find the section(s) of the California Education Code (CEC) and the California Code of Regulations (CCR) you are charged with violating and any modifications. |
|----|--|
| 1. | <p>Modified</p> <p><u>Violation of CEC 94897(m) – Prohibited Business Practices</u> <i>The institution directed an individual to perform an act that violates this chapter, to refrain from reporting unlawful conduct to the bureau or another government agency, or to engage in any unfair act to persuade a student not to complain to the bureau or another government agency.</i></p> <p>Reason for modification: On February 21, 2013, the Bureau received information indicating the institution's actions were intended to address classroom interruptions only, not to discourage any individual from utilizing available channels for filing complaints or reporting unlawful conduct.</p> <p>The administrative fine for this violation has been modified from \$501.00 to <u>\$0.00</u>.</p> |
| 2. | <p>Upheld – No new substantive facts were presented at the informal conference.</p> <p><u>Violation of CEC 71760 – Self-Monitoring Procedures</u> <i>The Institution did not maintain adequate procedures related to its grievance policy to ensure that it is maintained and operated in compliance with the CEC and CCR.</i></p> |

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| | The institution must comply with its grievance policy as outlined in the institution catalog. |
| | The fine for this violation is <u>\$501.00</u> |
| TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$501.00</u> | |

PENALTY – ASSESSMENT OF A FINE

In accordance with California Education Code section 94936; and California Code of Regulations Sections 75020 and 75030, the Bureau hereby orders the issuance of a Citation and the assessment of a fine in the amount of **\$501.00** for the violations described in the 'Violation Code Sections' of this document.

Please complete the Payment of Fine form and submit payment within **30 days** from the date of this modified Citation decision. Payment of the administrative fine must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Janel Quayle, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

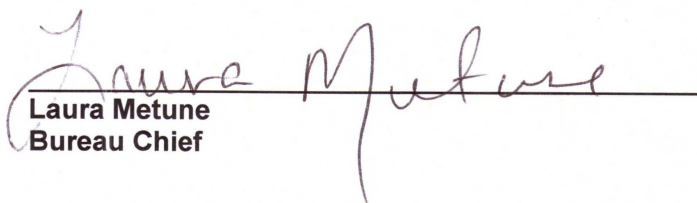
If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

If you withdraw your request for an appeal through administrative hearing, this modified Citation is effective on **March 7, 2013** and payment of fine due by **April 6, 2013**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

If you have any questions regarding this decision or desire further information, please contact Janel Quayle, Enforcement Analyst, at (916) 431-6940 or at Janel.Quayle@dca.ca.gov.


Laura Metune
Bureau Chief

Date 3/7/13

Enclosures

- Payment of Fine
- Withdrawal – Request for Administrative Hearing
- Copy of Citation #1213011
- Declaration of Service by Certified and First Class Mail